

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

LOREN REYNA,
a/k/a LOREN TWO BULLS;

Plaintiff,

vs.

DOUGLAS WEBER, Chief Warden
Director of Prison Operations Warden;
TIM REISCH, Cabinet Secretary, Secretary
of Corrections, Department of Corrections;
BOB DOOLEY, Warden of Mike Durfee
State Prison;
DEPARTMENT OF HUMAN SERVICES
CORRECTIONAL MENTAL HEALTH
CARE;
DEPARTMENT OF HEALTH
CORRECTIONAL HEALTH CARE;
LEWIS & CLARK BEHAVIORAL
HEALTH SERVICES; and
DENNY KAEMINGK;

Defendants.

CIV 11-4044-RAL

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DENYING CERTAIN MOTIONS
AND OBJECTIONS

Plaintiff, Loren Reyna, a/k/a Loren Two Bulls, filed a pro se civil rights lawsuit against Defendants. Reyna filed a number of motions and Defendants move for summary judgment. This Court referred Reyna's motion to Magistrate Judge John E. Simko pursuant to 28 U.S.C. § 636(b)(1)(B). Judge Simko recommends that Reyna's motions be denied and that the Defendants' motion for summary judgment be granted.

Under 28 U.S.C. § 636(b)(1), "when a party objects to the report and recommendation of a magistrate judge concerning a dispositive matter, '[a] judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.'" United States v. Lothridge, 324 F.3d 599, 600 (8th Cir. 2003)

(quoting 28 U.S.C. § 636(b)(1)); see also Fed. R. Civ. P. 72(b)(3) (“The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to.”). In order to trigger de novo review, objections must be specific and timely. Thompson v. Nix, 897 F.2d 356, 358 (8th Cir. 1990). During the time for filing objections, Reyna did not file objections to the report and recommendation, but filed a “notice of second interlocutory appeal.” Doc. 123. Reyna, after the time for filing objections filed a “Broad Objection to U.S. Magistrate’s Report and Recommendation.” Doc. 124. This Court has considered these objections as if timely filed. This Court has considered the case de novo and accepts the Report and Recommendation in full and overrules Reyna’s objections thereto. Therefore, it is hereby

ORDERED that the Court adopts the Report and Recommendation of Judge Simko, Doc. 116, in full. It is further

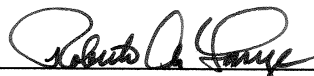
ORDERED that Reyna’s motion for mental exam, Doc. 72, motion for evidentiary hearing, Doc. 80, motion to compel, Doc. 100, motion to gather, Doc. 101, motion for order to show cause, Doc. 112, motion to deny order to seal, Doc. 114, and motions for reconsideration, Doc. 121, Doc. 123, are denied. It is further

ORDERED that Reyna’s “Notice of Appeal” of the magistrate judge order, Doc. 67, and objections to the Report and Recommendation, Doc. 124, are overruled. It is finally

ORDERED that Defendants’ motion for summary judgment, Doc. 75, is granted.

Dated July 23, 2012.

BY THE COURT:



ROBERTO A. LANGE
UNITED STATES DISTRICT JUDGE